IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

WP(C).No. 11194 of 2007(G)

PETITIONER:

P.A.NAZEER,S/O.P.P.ABDUL KAREEM,
AGED 37 YEARS,ASSISTANT MOTOR VEHICLE INSPECTOR,
SUB REGIONAL TRANSPORT OFFICE,GURUVAYOOR.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:
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1. **THE STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT,DEPARTMENT OF TRANSPORT,SECRETARIAT,TRIVANDRUM.**

2. **THE COMMISSIONERO FOR TRANSPORT TRIVANDRUM.**

3. **THE CONVENOR, DEPARTMENTAL PROMOTION COMMITTEE,MOTOR VEHICLE DEPARTMENT, TRIVANDRUM.**

BY GOVERNMENT PLEADER SRI. P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 11194/2007 G

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE MEMO OF CHARGES NO. 12427/C3/2006/TRAN, OF THE R2 DT. 22/12/06.

EXT.P2. COPY OF THE REPLY OF THE PETITIONER DT. 14/2/2007.

EXT.P3. COPY OF THE JUDGMENT OF THIS COURT IN WPC NO. 299/2007 DT. 3/1/2007.

EXT.P4. COPY OF THE ORDER NO. A3/10774/TC/2006 OF THE R2 DT. 23/12/2006.

EXT.P5. COPY OF THE NOTIFICATION NO. A1/2110/TC/2007 OF THE TRANSPORT COMMISSIONER DT. 18/4/2007.

EXT.P6. COPY OF THE OBJECTION OF THE PETITIONER DT. 22/5/07.

EXT.P6A. COPY OF THE FORWARDING LETTER DT. 24/5/2007.

EXT.P7. COPY OF THE ORDER NO. A1/9196/TC /2007 OF THE TRANSPORT COMMISSIONER DT. 8/7/07.

RESPONDENT'S EXHIBITS

True copy

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K.BALAKRISHNAN NAIR,J.

WP(C)NO.11194 OF 2007-G

Judgment

The petitioner is an Assistant Motor Vehicle Inspector. He is being superseded in the matter of promotion to the post of Motor Vehicle Inspector as a disciplinary proceeding is pending against him. Ext.P1 is the memo of charges served on him. He has already filed Ext.P2 reply. But, further proceedings have not been completed, it is submitted.

2. I heard the learned Government Pleader appearing for the respondents also. He upon instruction submitted that since the proceedings were initiated as per the direction of the Vigilance and Anti Corruption Bureau, only the Government can finalise the proceedings. So, Ext.P1, along with his reply, has been forwarded to the 1st respondent on 22.04.2007, it is submitted. The 1st respondent is directed to complete the disciplinary proceedings against the petitioner in accordance with law as expeditiously as possible preferably, within four months from the date of receipt of a copy of this Judgment. Needless to say, if finally, the petitioner is cleared of the charges in the disciplinary proceedings, he will be free to move for appropriate orders in the matter of promotion with retrospective effect.

The Writ Petition is disposed of as above.

31.07.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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